IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.58548-M of 2006

DATE OF DECISION: DECEMBER 18, 2006

Kuldeep Singh

...PETITIONER

VERSUS

The State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Avnish Mittal, Advocate,
for the petitioner.

...

Petitioner Kuldeep Singh has filed this petition under Section 482 Cr.P.C. for quashing the order dated 14.2.2002 passed by the CJM, Faridkot, whereby the petitioner has been summoned under Section 319 Cr.P.C. to face the trial along with the other accused; as well as the order dated 3.4.2004, whereby the petitioner has been declared proclaimed offender.

It is the case of the petitioner that he was declared proclaimed offender when he was living in Canada and was not properly served. It is further the case of the petitioner that co-accused of the petitioner, who were also summoned along with the petitioner to face the trial, have already been acquitted by the trial court vide judgment dated 13.3.2006 passed by Addl.Chief Judicial Magistrate, Faridkot.

After arguing for some time, counsel for the petitioner states that the petitioner is ready to appear before the trial court and face the trial. However, he prays that the trial court be directed to decide his bail

application on the same day, keeping in view the aforesaid facts, particularly the judgment dated 13.3.2006 passed by the Addl.Chief Judicial Magistrate, Faridkot, whereby the co-accused have been acquitted.

In view of the above, the petitioner is permitted to withdraw this petition with liberty to appear before the trial court after surrender and move the regular bail application. In case any such application is filed, the same shall be decided by the trial court on the same day keeping in view the aforesaid facts, including the judgment dated 13.3.2006 passed by the Addl.Chief Judicial Magistrate, Faridkot, whereby the co-accused have been acquitted.

December 18, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE